



February 9, 2001

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## HOUSE BILL No. 1661

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DIGEST OF HB 1661 (Updated February 8, 2001 9:56 AM - DI 105)

**Citations Affected:** IC 14-8; IC 15-2.1.

**Synopsis:** Domesticated deer farms. Establishes a permit process to operate a cervidae livestock facility. Provides procedures for the Indiana state board of animal health to issue permits to persons who meet certain requirements. Requires the cervidae livestock facility to be inspected and wild and free ranging cervidae to be removed from the facility before a permit is approved. Provides for penalties.

**Effective:** July 1, 2001.

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**Herrell, Friend, Lytle, McClain**

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January 17, 2001, read first time and referred to Committee on Agriculture, Natural Resources and Rural Development.  
February 8, 2001, amended, reported — Do Pass.

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HB 1661—LS 7717/DI 77+



February 9, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## HOUSE BILL No. 1661

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 14-8-2-318 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 318. "Wild animal" has  
3 the following meaning:

4 (1) For purposes of IC 14-22, except as provided in subdivision  
5 (2), an animal whose species usually:

6 (A) lives in the wild; or

7 (B) is not domesticated.

8 (2) For purposes of IC 14-22-38-6, the meaning set forth in  
9 IC 14-22-38-6.

10 **The term "wild animal" does not include cervidae located on a**  
11 **cervidae livestock facility under IC 15-2.1-25.**

12 SECTION 2. IC 15-2.1-25 IS ADDED TO THE INDIANA CODE  
13 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
14 JULY 1, 2001]:

15 **Chapter 25. Cervidae Livestock Facilities**

16 **Sec. 1. As used in this chapter, "board" refers to the Indiana**  
17 **state board of animal health established by IC 15-2.1-3-1.**

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1       **Sec. 2.** As used in this chapter, "cervidae livestock facility"  
2 means privately owned cervidae livestock on privately owned land.

3       **Sec. 2.5.** As used in this chapter, "cervidae livestock operation"  
4 means a cervidae livestock facility that is operated to produce,  
5 grow, propagate, use, harvest, transport, export, import, or market  
6 cervidae species or cervidae products; and

7       **Sec. 3. (a)** This chapter does not give a cervidae livestock facility  
8 the authority to take wild or free ranging cervidae, unless  
9 authorized by the department of natural resources.

10       **(b)** A person who has a cervidae livestock facility permit is not  
11 required to obtain a license or permit from the department of  
12 natural resources to harvest privately owned cervidae.

13       **(c)** Cervidae live stock operations are agricultural enterprises  
14 and are part of the farming and agricultural industry in Indiana.

15       **Sec. 4. (a)** Except as provided in subsection (b), a person must  
16 obtain a cervidae livestock facility permit to operate a cervidae  
17 livestock facility.

18       **(b)** An entity is not required to obtain a license under this  
19 chapter if the entity is:

20           **(1)** a research facility;

21           **(2)** a circus; or

22           **(3)** a publically or privately owned zoological park or petting  
23 zoo;

24 that is licensed or registered by the United States Department of  
25 Agriculture under the the federal Animal Welfare Act of 1970, as  
26 amended (7 U.S.C. 2131 et seq.).

27       **Sec. 5. (a)** To apply for an initial cervidae livestock facility  
28 permit, a person must submit to the board the following:

29           **(1)** An application with the following information:

30               **(A)** The name and address of the applicant.

31               **(B)** The location of the proposed cervidae livestock facility,  
32 including the legal description of the land, the size of the  
33 land, and address.

34               **(C)** The cervidae species and the maximum number of  
35 cervidae proposed to be allowed at the cervidae livestock  
36 facility location.

37               **(D)** The applicant's business plan, including the methods,  
38 protocols, and procedures the person intends on  
39 implementing to comply with this chapter.

40               **(E)** The actions and precautions taken to prevent the  
41 transmission of disease among or between wild or free  
42 range cervidae and privately owned cervidae, including

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methods of fencing and animal identification.

(F) The proposed method to remove wild or free ranging cervidae from the proposed facility, and the proposed method to verify that the wild or free ranging cervidae have been removed, if applicable.

(G) The record keeping system that will be used.

(H) The current zoning ordinances that apply to the proposed facility.

(I) Any ordinances concerning fences that apply to the facility.

(J) Any other information required by the board.

(2) Pays the application fee determined by the board.

(b) The board shall forward a copy of the initial application to the county commissioners and any area plan commission or board of zoning appeals where the proposed cervidae livestock facility will be located. Within thirty (30) days of receipt of the application the local unit of government may respond to the board indicating if the applicant's cervidae livestock facility would violate a local zoning or fence ordinance.

Sec. 6. The board shall inspect a proposed cervidae livestock facility not more than thirty (30) days after the applicant has informed the board that the facility is completed and ready to be inspected.

Sec. 7. (a) The board shall issue a cervidae livestock facility permit to a person when the following requirements have been met:

(1) A completed application has been submitted.

(2) The application fee has been paid.

(3) The cervidae livestock facility has been inspected and meets the board's:

(A) operational standards; and

(B) fencing and construction requirements.

(4) The facility complies with the business plan submitted to the board.

(5) The applicant has taken actions to remove the wild or free ranging cervidae species from the cervidae livestock facility proposed under section 5(a)(1)(F) of this chapter and has verified that those animals have been removed.

(6) The applicant can appropriately identify the facility's individual cervidae.

(7) The cervidae livestock facility complies with local zoning and fence ordinances. If the board does not receive a response

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from a local unit of government under section 5(b) of this chapter indicating that the proposed facility would violate a local zoning or fence ordinance, the board may presume that the facility complies with the local zoning and fence ordinances.

(b) If the board denies an applicant a cervidae livestock operation permit, the board shall give the applicant a written denial that specifies the deficiencies that need to be corrected in order for a permit to be issued. Without filing a second application, an applicant may submit a revised application and request a second inspection after the deficiencies have been corrected.

(c) A cervidae livestock operation permit expires three (3) years from the date the permit is issued.

**Sec. 8. A cervidae livestock facility permit must contain the following information:**

- (1) The complete name, business name, and business address of the cervidae livestock facility permit holder.
- (2) The permit registration number and expiration date.
- (3) The complete address of the cervidae livestock facility location.
- (4) The cervidae species and the maximum number of cervidae allowed at the cervidae livestock facility location.
- (5) The complete name, address, and telephone number of the board contact person concerning cervidae livestock facilities.

**Sec. 9. The board shall adopt rules under IC 4-22-2 to regulate the following:**

- (1) The operational standards for cervidae livestock facilities.
- (2) Application and renewal fees. The fees must be determined by the size of the facility and the number of cervidae located at the facility. However, the fees may not exceed:
  - (A) five hundred dollars (\$500) per facility; or
  - (B) fifty dollars (\$50) for small facilities that do not operate commercially.

All fees collected under this section shall be deposited in the board's general operating account.

- (3) Fence height and construction requirements for different species of cervidae.
- (4) Standards to appropriately identify individual animals.
- (5) Standards and procedures to renew or amend cervidae livestock facility permits.
- (6) Any other matters that are necessary to implement this chapter.



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(7) The board shall establish different classes of cervidae livestock facility permits for distinct types of cervidae livestock facilities and establish different standards under this section for each class of facility.

Sec. 10. (a) The board shall send a cervidae livestock facility permit holder a renewal application sixty (60) days before the expiration of the holder's permit.

(b) If the holder of a cervidae livestock facility permit submits a complete renewal application and renewal fee to the board before the expiration of the permit, the expiration of the current permit is extended until the renewal application is approved or denied.

Sec. 11. The board may inspect any cervidae livestock facility and collect samples or specimens at the facility during normal business hours.

Sec. 12. If a cervidae livestock facility is sold or transferred, the new owner shall inform the board in writing not more than ten (10) business days after the sale or transfer. The new owner of the cervidae livestock facility may operate under the existing cervidae livestock facility permit for:

- (1) one hundred eighty (180) days; or
- (2) until the existing permit expires;

whichever comes first.

Sec. 13. (a) A person may not release cervidae from a cervidae livestock facility into the wild.

(b) A holder of a cervidae livestock facility permit shall inform the board within one (1) business day if a cervidae escapes from a cervidae livestock facility.

(c) A person shall not intentionally or knowingly cause the ingress of wild cervidae into a cervidae livestock facility.

Sec. 14. (a) The board may deny, suspend, revoke, or limit a cervidae livestock facility permit if, after a hearing, the board determines that the applicant or holder of the permit has failed to comply with this chapter or standards adopted by the board.

(b) The board shall issue written notice to the applicant or licensee stating the board's action, the opportunity for a hearing under IC 4-21.5, and the procedure and time limit for requesting a hearing. If the applicant or licensee does not request a hearing before the board within fifteen (15) days of receiving the notice, the right to a hearing before the board is waived and the notice becomes the final order under IC 4-21.5. If a hearing is requested, the hearing shall be held in compliance with IC 4-21.5.

Sec. 15. A person who recklessly, knowingly, or intentionally

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1 violates section 4 or 13 of this chapter commits a Class B  
2 infraction.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred House Bill 1661, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 11, delete "operation" and insert "**facility**".

Page 1, line 11, delete "IC 15-5-19" and insert "**IC 15-2.1-25**".

Page 1, line 12, delete "IC 15-5-19" and insert "IC 15-2.1-25".

Page 1, line 15, delete "19" and insert "**25**".

Page 1, line 15, delete "Operations" and insert "**Facilities**".

Page 2, line 1, delete ":" and insert ",".

Page 2, line 2, delete "(1)".

Page 2, run in lines 1 through 2. .

Page 2, line 3, delete "that is operated to" and insert ".".

Page 2, line 4, before "produce" begin a new paragraph and insert:

**"Sec. 2.5. As used in this chapter, "cervidae livestock operation" means a cervidae livestock facility that is operated to".**

Page 2, delete lines 6 through 8.

Page 2, line 12, delete "operation" and insert "**facility**".

Page 2, between lines 14 and 15, begin a new paragraph and insert:

**"(c) Cervidae live stock operations are agricultural enterprises and are part of the farming and agricultural industry in Indiana."**

Page 2, line 15, before "person" delete "A" and insert "**(a) Except as provided in subsection (b), a**".

Page 2, line 15, delete "operation" and insert "**facility**".

Page 2, between lines 16 and 17, begin a new paragraph and insert:

**"(b) An entity is not required to obtain a license under this chapter if the entity is:**

**(1) a research facility;**

**(2) a circus; or**

**(3) a publically or privately owned zoological park or petting zoo;**

**that is licensed or registered by the United States Department of Agriculture under the the federal Animal Welfare Act of 1970, as amended (7 U.S.C. 2131 et seq.)."**

Page 2, line 17, delete "operation" and insert "**facility**".

Page 3, delete line 4 and insert "**the county commissioners and any area plan commission or board of zoning appeals**".

Page 3, line 5, delete "government".

Page 3, line 6, delete ":".

Page 3, delete lines 7 through 10.

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Page 3, line 11, delete "(2)".

Page 3, run in lines 6 through 11.

Page 3, line 18, delete "an initial" and insert "a".

Page 3, line 19, delete "operation" and insert "facility".

Page 3, line 29, after "The" insert **"applicant has taken actions to remove the"**.

Page 3, line 29, delete "have been".

Page 3, line 30, delete "removed".

Page 3, line 30, after "facility" insert **"proposed under section 5(a)(1)(F) of this chapter and has verified that those animals have been removed"**.

Page 3, line 33, after "zoning" insert **"and fence"**.

Page 3, line 34, after "ordinances." insert **"If the board does not receive a response from a local unit of government under section 5(b) of this chapter indicating that the proposed facility would violate a local zoning or fence ordinance, the board may presume that the facility complies with the local zoning and fence ordinances."**.

Page 4, line 1, delete "operation" and insert "facility".

Page 4, line 12, delete, "operations" and insert "facilities".

Page 4, line 18, after "exceed" insert ":

(A)".

Page 4, line 19, delete "." and insert "; or

**(B) fifty dollars (\$50) for small facilities that do not operate commercially.**

**All fees collected under this section shall be deposited in the board's general operating account."**

Page 4, line 24, delete "operation" and insert "facility".

Page 4, between lines 26 and 27, begin a new line block indented:  
**"(7) The board shall establish different classes of cervidae livestock facility permits for distinct types of cervidae livestock facilities and establish different standards under this section for each class of facility."**

Page 4, line 27, delete "operation" and insert "facility".

Page 4, line 30, delete "operation" and insert "facility".

Page 4, line 42, delete "operation" and insert "facility".

Page 5, line 6, delete "operation" and insert "facility".

Page 5, line 11, after "14." insert "(a)".

Page 5, line 11, delete "shall" and insert **"may"**.

Page 5, line 12, delete "operation" and insert "facility".

Page 5, between lines 14 and 15, begin a new paragraph and insert:  
**"(b) The board shall issue written notice to the applicant or**

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licensee stating the board's action, the opportunity for a hearing under IC 4-21.5, and the procedure and time limit for requesting a hearing. If the applicant or licensee does not request a hearing before the board within fifteen (15) days of receiving the notice, the right to a hearing before the board is waived and the notice becomes the final order under IC 4-21.5. If a hearing is requested, the hearing shall be held in compliance with IC 4-21.5."

and when so amended that said bill do pass.

(Reference is to HB 1661 as introduced.)

LYTLE, Chair

Committee Vote: yeas 13, nays 0.

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